



RESOLUTION NO. 7168

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT

Grantor

Lennar Northwest, LLC

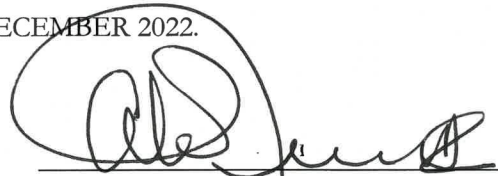
Purpose

Accepting a 20 foot wide storm drain easement as part of SI-22-05, Henshaw Farms Phase 2.

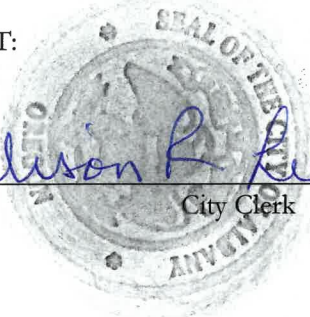
11S03W29BA - 12600

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 14TH DAY OF DECEMBER 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

## EASEMENT FOR PUBLIC STORM DRAINAGE

THIS AGREEMENT, made and entered into this 15th day of December, 2022, by and between Lennar Northwest, LLC, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

### WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of: See legal description on attached Exhibit A and maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

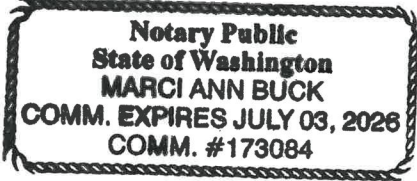
**LENNAR NORTHWEST, LLC**

*[Signature]*  
Ryan Selby, Vice President

STATE OF WASHINGTON )  
County of CLARK ) ss.

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of October 2022,  
by Ryan Selby, Vice President of Lennar Northwest, LLC, as his voluntary act and deed.

*[Signature]*  
Notary Public for Washington  
My Commission Expires: July 3, 2026



**CITY OF ALBANY:**

STATE OF OREGON )  
County of Linn ) ss.  
City of Albany )

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 7168, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 15<sup>th</sup> day of December 2022.

*[Signature]*  
City Manager

ATTEST:

*[Signature]*  
City Clerk



# EXHIBIT A

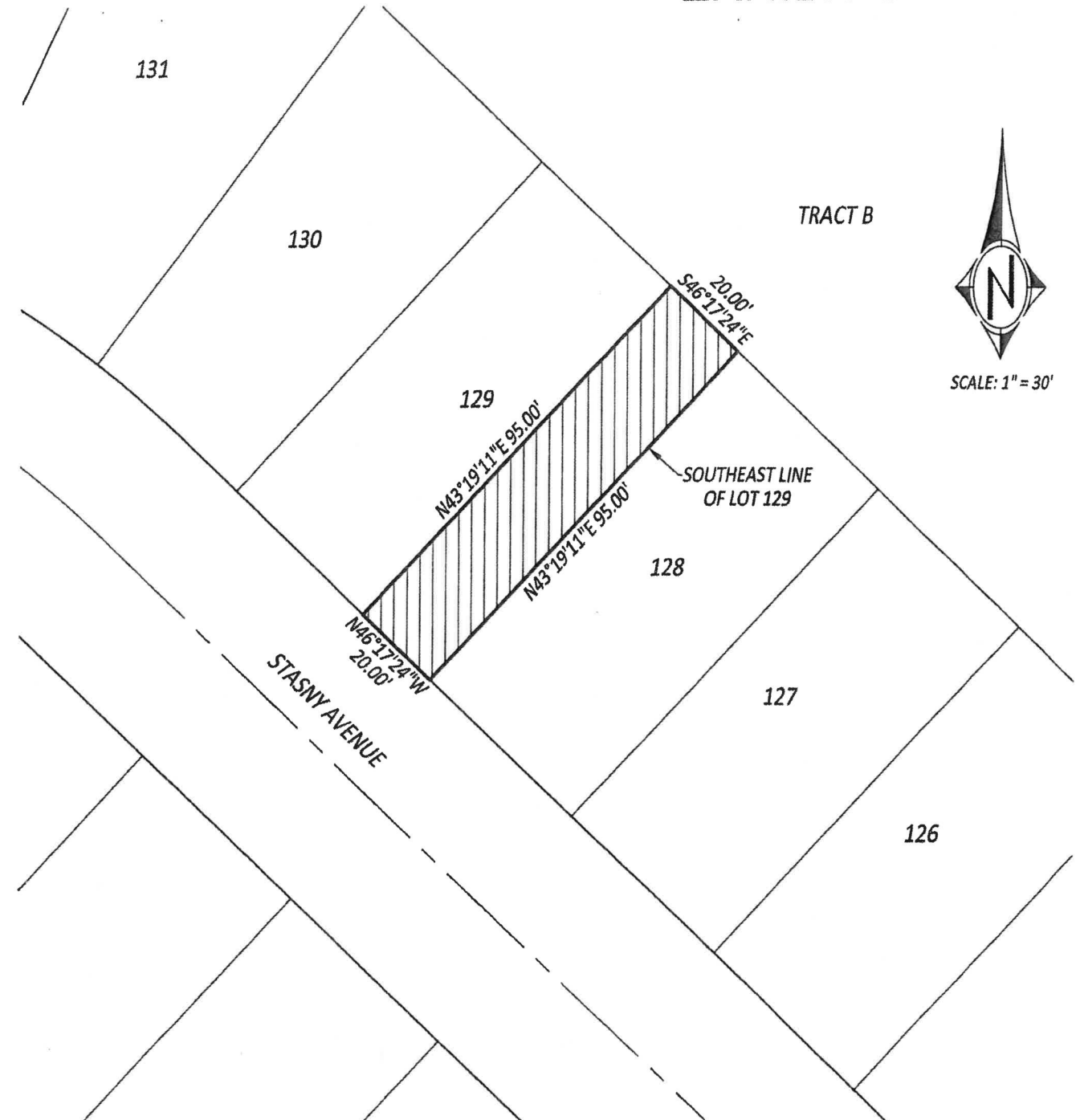
## **STORM DRAIN EASEMENT DESCRIPTION LOT 129 - HENSHAW FARM ESTATES NO. 2**

A PORTION OF LOT 129 OF "HENSHAW FARM ESTATES NO. 2" BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 29 AND OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEASTERLY 20.00 FEET OF SAID LOT 129, MEASURED PERPENDICULAR TO THE SOUTHEAST LINE THEREOF.

CONTAINING APPROXIMATELY 1,900 SQUARE FEET.

# EXHIBIT B



PDG JOB NO: 384-001	DATE: 09/28/22	SCALE: 1"=30'	<b>EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION</b>
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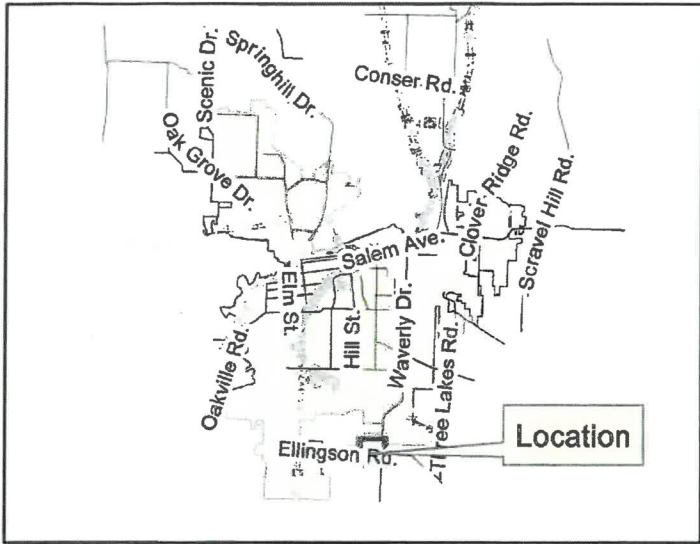
**PDG**  
**PIONEER DESIGN GROUP, INC.**  
 9020 SW WASHINGTON SQUARE RD  
 SUITE 170  
 PORTLAND, OREGON 97223  
 p 503.641.8311  
 f 844.715.4743  
 www.pd-grp.com

**STORM DRAIN EASEMENT**  
 LOT 129 OF "HENSHAW FARM ESTATES NO. 2",  
 LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 29, AND  
 IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 11  
 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN THE  
 CITY OF ALBANY, LINN COUNTY, OREGON

# EXHIBIT C

11S03W29BA - 12600

A 20-foot wide storm drain easement as part of SI-22-05  
Henshaw Farms Phase 2



Geographic Information Services

